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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,706	09/26/2006	Magnus Pelz	P/1228-213 V1305	9161
2352 7590 07/28/2008 OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403				
EXAMINER DUFF, DOUGLAS J				
ART UNIT 3748		PAPER NUMBER		
MAIL DATE 07/28/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/598,706

Applicant(s)

PELZ ET AL.

Examiner

DOUGLAS J. DUFF

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF 298)
Paper No(s)/Mail Date 9/8/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Eitel et al. (PCT/EP03/12223). Regarding claim 1, Eitel discloses an arrangement for recirculation of exhaust gases in a supercharged combustion engine (2) comprising an exhaust line operable to lead exhaust gases out from the combustion engine, an inlet line (10) operable to lead air at above atmospheric pressure to the combustion engine and a return line (5 to 11) comprising a connection to the exhaust line and a connection to the inlet line, so that the return line is operable to recirculate exhaust gases from the exhaust line to the inlet line and a second cooler (6) operable to cool the exhaust gases in the return line by use of a liquid medium in the second cooler before the exhaust gases reach a first cooler (7) wherein the first cooler is incorporated in the return line and is operable for cooling the exhaust gases in the return line by ambient air before the exhaust gases are mixed with the air in the inlet line (col. 2, lines 50-57).

3. Regarding claims 2-5, 8 and 10, Eitel discloses the arrangement of claim 2 further comprising a cooling system in which the liquid medium is circulated and the cooling system is operable to cool the combustion engine (2), a third cooler (9) operable for cooling the air in the inlet line before the air is mixed with the exhaust gases from the

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return line (11), wherein the first and third cooler are situated in close proximity to one another (Fig. 1), the first and third cooler constitute an integrated unit (col. 2, lines 57-64) and a fourth cooler (radiator) disposed close in proximity (connected to) to the first and third cooler, the fourth cooler operative to cool the coolant in the cooling system (inherent to engine cooling system).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6, 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eitel in view of Wall et al. (US 6244256). Eitel discloses the arrangement as described above including the fourth cooler, but fails to disclose the first and third cooler formed as flat cooler packages each having a main extent in one plane and the first and third cooler situated relative to one another such that they have an extent in a common plane.

6. Wall teaches an EGR arrangement of a supercharged engine in which a first and third cooler (46, 52) are formed as flat cooler packages each having a main extent in one plane and the first and third cooler are situated relative to one another such that they have an extent in a common plane (Figure 2). It would have been obvious for a person having ordinary skill in the art at the time the invention was made to utilize EGR coolers as flat packages situated in a common plane in order to increase the efficiency

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of an EGR system while decreasing the frontal radiator area through an effective arrangement of heat exchangers (col. 1, lines 55-67 and col. 2, lines 8-11).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOUGLAS J. DUFF whose telephone number is (571)272-3459. The examiner can normally be reached on M-Th 7 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Denion can be reached on (571) 272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas E. Denion/
Supervisory Patent Examiner, Art Unit 3748

/Douglas J Duff/
Examiner, Art Unit 3748
7/21/08